



City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

September 4, 2007

Honorable Nick Licata
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Licata:

I am pleased to transmit the attached proposed Council Bill that adds homeless individuals or those perceived to be homeless as a protected group in the Seattle Municipal Code, thereby providing homeless persons with protections from malicious harassment, hate, or bias crimes under the law. The policy associated with this legislation was developed by the Seattle Human Rights Commission and is supported by the Seattle Office for Civil Rights.

Alarming data released by the National Coalition for the Homeless demonstrates that between 1999 and 2002, Seattle was ranked the seventh most dangerous city for homeless people, and Washington was ranked the third most dangerous state. The Coalition reported 13 separate incidents of hate crimes in Washington during that time frame perpetrated against people on the basis of their being homeless.

By adding homeless individuals to gender identity, marital status, political ideology, age, or parental status, which are groups already protected by the malicious harassment law, Seattle is taking a proactive stance in further combating hate and intolerance. The attached Bill will allow stronger penalties to be assessed against those who commit violent acts on people who are perceived to be homeless. Additionally, passage of this legislation will send a strong message that Seattle's citizens respect all members of our community regardless of their housing status.

Thank you for your consideration of this legislation. Should you have questions, please contact Julie Nelson at 233-7822.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Greg Nickels', written over the printed name and title.

GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

600 Fourth Avenue, 7th Floor, P.O. Box 94749, Seattle, WA 98124-4749

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, Email: mayors.office@seattle.gov

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ORDINANCE 122577

AN ORDINANCE relating to the criminal code and amending Section 12A.06.115 to provide protections for homeless persons from malicious harassment.

WHEREAS, a report of the National Coalition for the Homeless indicates that reported attacks against homeless men and women have reached their highest levels in years and that homeless persons are at increasing risk of having violent crimes perpetrated against them solely because they are homeless; and

WHEREAS, the National Coalition for the Homeless report further indicates that 142 violent crimes were committed against homeless persons in the United States in 2006; and

WHEREAS, the National Coalition for the Homeless report also indicates that between 1999 and 2002 Seattle was ranked the seventh most dangerous city and Washington was ranked the third most dangerous state for homeless persons; and

WHEREAS, the City of Seattle is committed to protecting all persons within the city, including its most vulnerable populations; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Seattle Municipal Code Section 12A.06.115 is amended as follows:

SMC 12A.06.115 Malicious harassment.

A. A person is guilty of malicious harassment if he or she maliciously and intentionally commits one (1) of the following acts because of his or her perception of another person's gender identity, homelessness, marital status, political ideology, age, or parental status:

1. Causes physical injury to another person; or
2. By threat places another person in reasonable fear of harm to his or her person or property or harm to the person or property of a third person; provided however, that it

1 shall not constitute malicious harassment for a person to speak or act in a critical,
2 insulting, or deprecatory way so long as his or her words or conduct do not constitute a
3 threat of harm to the person or property of another person; or

4 3. Causes physical damage to or the destruction of the property of another person.

5 B. "Threat" means to communicate, directly or indirectly, the intent to:

6 1. Cause bodily injury to another; or

7 2. Cause damage to the property of another; or

8 3. Subject another person to physical confinement or restraint.

9 C. For purposes of this section:

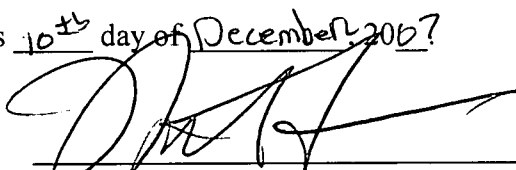
10 1. "Gender identity" means a person's identity, expression, or physical characteristics,
11 whether or not traditionally associated with one's biological sex or one's sex at birth,
12 including transsexual, transvestite, and transgendered, and including a person's
13 attitudes, preferences, beliefs, and practices pertaining thereto.

14 2. "Homelessness" means the status or condition of being without a home, including, but not
15 limited to, the state of living in the streets.

16
17 D. Every person who, in the commission of malicious harassment, shall commit any other
18 crime, may be punished therefore as well as for the malicious harassment, and may be
19 prosecuted for each crime separately.

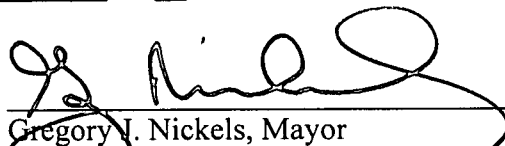
Section 2. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 10th day of December, 2007, and signed by me in open session in authentication of its passage this 10th day of December, 2007.



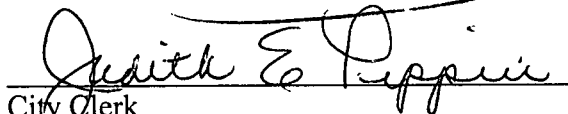
President _____ of the City Council

Approved by me this 13th day of December, 2007.



Gregory I. Nickels, Mayor

Filed by me this 14th day of December, 2007.



City Clerk

(Seal)

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Seattle Office for Civil Rights	Julie Nelson/ 233-7822	Linda Taylor-Manning/4-8376

Legislation Title:

AN ORDINANCE relating to the criminal code and amending Section 12A.06.115 to provide protections for homeless persons from malicious harassment.

• **Summary of the Legislation:**

This proposed Council Bill amends Seattle Municipal Code Section 12A.06.115 to provide protections for homeless persons from malicious harassment. The Bill amends SMC 12A.06.115 by adding homeless individuals or those perceived to be homeless as a group protected by the law. The Council Bill uses the federal definition of homelessness to define those who are homeless.

• **Background:**

This legislation is intended to provide stronger penalties for those who commit violent acts, maliciously or intentionally against someone who is perceived to be homeless. The legislation responds to data, testimony of those experiencing homelessness, and social service providers who have noted that hate crimes against homeless individuals have occurred within the City of Seattle and must be addressed through protective legislation. The policy legislated by this Bill was developed by the Seattle Human Rights Commission and is supported by the Seattle Office for Civil Rights.

- *Please check one of the following:*

 X **This legislation does not have any financial implications.**

STATE OF WASHINGTON – KING COUNTY

--SS.

218550
CITY OF SEATTLE, CLERKS OFFICE

No.

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

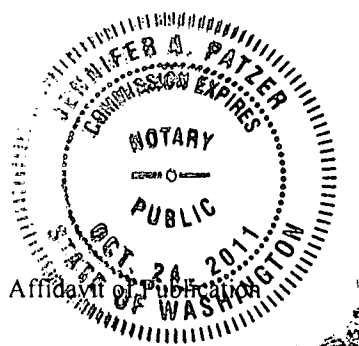
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a


CT:122577 ORDINANCE

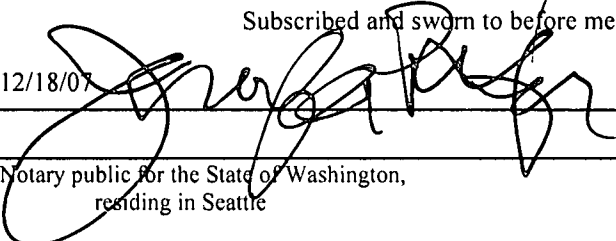
was published on

12/18/07

The amount of the fee charged for the foregoing publication is the sum of \$ 153.45, which amount has been paid in full.





Subscribed and sworn to before me on
12/18/07


Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

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D. Every person who, in the commission of malicious harassment, shall commit any other crime, may be punished therefore as well as for the malicious harassment, and may be prosecuted for each crime separately.

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Nick Licata

President of the City Council

Approved by me this 13th day of December, 2007.

Gregory J. Nickels, Mayor

Filed by me this 14th day of December, 2007.

(Seal) Judith Pippin

City Clerk

Publication ordered by JUDITH PIPPIN, City Clerk

Date of publication in the Seattle Daily Journal of Commerce, December 18, 2007.

12/18(218550)